

**HORICON TOWN BOARD
REGULAR MEETING OF THE BOARD**

**MARCH 17, 2011
7:00 PM**

Present at meeting	Ralph Bentley	Supervisor
	Frank Hill	Councilman
	Kenneth Higgins	Councilman
	Robert Olson	Councilman
	Joseph Dooris	Councilman
Krista Wood	Town Clerk	
Mark Schachner	Town Counsel	

Also: HS Paul Smith, Sandy Smith, Harvey Leidy, Kevin White, Tom Johansen, Gary Frenz, Matt Simpson, Paul Frasco, Bill McGhie, Harry Balz, Jane Smith, Mike Hayes, Charlie Jelinek, June Maxam, Jason Willette, and others.

Supervisor Bentley called the meeting to order at 7:00 PM.

Approval of Minutes: Minutes of February 17th and February 23rd were approved by Motion of Messrs. Olson and Hill, all Ayes.

Approval of Abstracts:

RESOLUTION #51-2011

Messrs. Hill and Olson introduced Res. No. 51 and moved its adoption:

RESOLUTION TO AUTHORIZE PAYMENT OF ABSTRACTS

RESOLVED, that the Town Board does hereby authorize the payment of the March 2011 Vouchers and Abstracts as follows:

General Vouchers	# 60-83	\$ 36,104.06
Highway Vouchers	# 34-52	\$ 18,211.18
General Abstracts	5 & 7	\$ 17,633.54
Highway Abstracts	5 & 7	\$ 18,205.62

Correspondence to the Board:

- APA	RE: 2010 Annual Report
- NYS DOT	RE: Speed limit reduction on Brant Lake Estates Road
- N. Country Gazette	RE: 2/11 letter, 2/18 Notice of Claim
- N. Country Gazette	RE: Notice of Claim
- NYSERDA	RE: Better Buildings Sub-Grants to Small Municipalities
- NW EMS	RE: Bank balances requested by the Board
- Comm.-Open Govt	RE: Request for Advisory Opinion
- Harvey Leidy	RE: Smarter Land Use-Collaborative Planning Presentation
- N. Country Gazette	RE: Legal Advertising
- J&G Recycling	RE: Pricing and Services Information
- Harvey Leidy	RE: cc on Establishing Land Use Protections for Community Gardens

Resolutions:

RESOLUTION #52-2011

Messrs. Hill and Olson introduced Res. No. 52 and moved its adoption,
Ayes-Hill, Olson, Higgins, Bentley / Abstain-Dooris:

RESOLUTION TO DESIGNATE POLLING PLACES IN THE TOWN OF HORICON

WHEREAS, Pursuant to Article 4-104 of the New York State Election Law, the Town Board of the Town of Horicon must submit to the Warren County Board of Elections a listing of the

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polling places in the Town of Horicon in each Election District in which Elections are held, NOW THEREFORE BE IT

RESOLVED, that the following handicapped accessible locations be and are hereby designated as the respective polling places in the Districts as enumerated:

Election District #1	Horicon Community Center
Election District #2	6604 State Rt. 8 Brant Lake, NY 12815

RESOLUTION #53-2011

Messrs. Dooris and Hill introduced Res. No. 53 and moved its adoption, all Ayes:

RESOLUTION TO CHANGE DATE OF MAY 2011 TOWN BOARD MEETING

RESOLVED, that the Town Board of the Town of Horicon does hereby wish to change the date of the regularly scheduled May 2011 Town Board meeting. **The regular May 2011 meeting of the Town Board of the Town of Horicon will be held on Tuesday, May 17, 2011 at 7:00PM.**

RESOLUTION #54-2011

Messrs. Olson and Hill introduced Res. No. 54 and moved its adoption, all Ayes:

RESOLUTION TO PLACE SIGN AT FRASIER CEMETERY

RESOLVED, that the Horicon Town Board does hereby authorize placement of a sign at the entrance to Frasier Cemetery to make it easier for people to find.

RESOLUTION #55-2011

Messrs. Hill and Olson introduced Res. No. 55 and moved its adoption, all Ayes:

RESOLUTION TO HIRE LANDFILL HELPER

WHEREAS, in light of the resignation of Alberta Hopkins from the position of Landfill Helper, Landfill Superintendent Robert Hayes has reviewed the applications and made the recommendation to hire John Lewis to fill said position, NOW, THEREFORE BE IT RESOLVED, that based on this recommendation, the Town Board of the Town of Horicon does hereby appoint John Lewis as part-time Landfill Helper on an as needed basis at a pay rate of \$11.95 per hour.

RESOLUTION #56-2011

Messrs. Olson and Dooris introduced Res. No. 56 and moved its adoption, all Ayes:

RESOLUTION TO REQUEST WARREN COUNTY PUT OUT RFP ON BEHALF OF TOWNS FOR GARBAGE DISPOSAL AND TRANSPORTATION

WHEREAS, the Contracts through Warren County for transportation and garbage disposal will cease when the Burn Plant contract expires this November, NOW, THEREFORE BE IT RESOLVED, that the Horicon Town Board does hereby wish to join with other Warren County Towns to have Warren County put out an RFP on their behalf for transportation and garbage disposal.

Old Business:

Smarter Land Use-Collaborative Planning Process Presentation Status. Harvey Leidy asked if the Board has reviewed the book he provided at the last meeting. He said he has been in contact with the author who would be willing to do a presentation. Councilman Olson said he

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felt it was too early to get specific and asked Harvey to pull together the exact costs associated with the presentation. He said the Board would need this information before making a decision.

Harvey Leidy also addressed the Board on the topic of Community Gardens. He provided literature to the Town Board for consideration which would help create and establish Community Gardens in order to ensure their long term operability in a designated site. The literature he provided would help the Board in establishing a provision for the Community Garden in the Zoning Ordinance.

North Warren Emergency Squad: The Board had requested further financial information from the NW Emergency Squad at a meeting with them on February 23rd. The Squad provided the information requested on March 2nd. Councilman Dooris states that it is his opinion that the information provided is acceptable in terms of what was set forth in the contract. He further stated that the Activity Report provided by the Squad is acceptable. Based on this, Councilman Dooris urged the Board to release the remainder of the funds for the 2010 Contract. The following Resolution was introduced:

RESOLUTION #57-2011

Messrs. Dooris and Higgins introduced Res. No. 57 and moved its adoption, all Ayes:

RESOLUTION TO RELEASE REMAINDER OF MONIES TO NW EMERGENCY SQUAD

WHEREAS, the Horicon Town Board has received the reports and documentation as requested on February 23, 2011 from the North Warren Emergency Squad, NOW, THEREFORE BE IT RESOLVED, that the Horicon Town Board has reviewed the reports and documentation provided by the NW Emergency Squad and finds the information to be in compliance with what was set forth in the 2010 Contract, BE IT FURTHER

RESOLVED, that the Horicon Town Board does hereby authorize the release of the remaining funds, in the amount of \$24,500.00, to the North Warren Emergency Squad for the 2010 Contract.

Councilman Dooris made a further note as to the pending issue of the Squad's compliance with the Fair Labor Standards Act. He stated that, based on documentation shown to the Board by Kevin White (NWEMS), the investigation discussed at the February 23rd meeting is now complete and there are no issues. The following Resolution was then made:

RESOLUTION #58-2011

Messrs. Dooris and Olson introduced Res. No. 58 and moved its adoption, all Ayes:

RESOLUTION TO APPOINT COMMITTEE TO NEGOTIATE 2011 CONTRACT

RESOLVED, that the Town Board of the Town of Horicon does hereby appoint Councilman Joseph Dooris and Councilman Robert Olson to work on the 2011 Emergency Services Contract with the North Warren Emergency Squad.

New Business:

Sand Bid for Highway: The Sand Bid was legally advertised and two bids were received. Councilman Hill inquired as to whether Adirondack Construction Enterprises LLC, one of the bidders, held the proper permits and insurance. Mike Hayes, Jr., of Adirondack Construction Enterprises LLC, stated that as per DEC he did not need a mining permit and he would make

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sure the insurance was in order. Councilman Hill requested that Mike Hayes, Jr. forward documentation from both DEC and the APA stating that he is not obligated to obtain a permit. Based on the anticipated receipt of these documents, the following Resolution was introduced:

RESOLUTION #59-2011

Messrs. Higgins and Olson introduced Res. No. 59 and moved its adoption, all Ayes:

RESOLUTION TO AWARD SAND BID

WHEREAS, the Town Board legally advertised for bids for sand for highway use, AND WHEREAS, two bids were received and opened on March 17th at 1:00 PM, NOW, THEREFORE BE IT

RESOLVED, that the Town Board does hereby award the 2011 sand bid to Adirondack Construction Enterprises, Inc. of Brant Lake for a bid of \$1.85 per cubic yard.

Roof repairs to recycling building at Landfill- A quote for insurance purposes has been received for repairs to the roof of the recycling building at the Landfill. A motion was made to advertise for quotes on the necessary repairs by Messrs. Hill and Dooris. Upon further discussion it was decided that Councilman Olson should look at the scope of work to be performed and report back to the Board. Councilman Dooris made a motion to table the Motion to Advertise for Quotes until the next monthly meeting, seconded by Councilman Olson.

BAS Internet Tax System: Internet system to allow taxpayers to view and print their current tax bills.

RESOLUTION #60-2011

Messrs. Hill and Olson introduced Res. No. 60 and moved its adoption, all Ayes:

RESOLUTION TO APPROVE IMPLEMENTATION OF BAS INTERNET TAX SYSTEM

RESOLVED, that the Town Board of the Town of Horicon does hereby authorize the Clerk to work with Business Automation Services to implement the Internet Tax System for the annual fee of \$100.00 for the convenience of the taxpayers of the Town of Horicon.

Starbuckville Dam maintenance work:

RESOLUTION #61-2011

Messrs. Dooris and Olson introduced Res. No. 61 and moved its adoption, all Ayes:

RESOLUTION TO AUTHORIZE MAINTENANCE WORK ON STARBUCKVILLE DAM

WHEREAS, the Schroon Lake Park District has approached the Town Board concerning maintenance work that needs to be done on the Starbuckville Dam, AND

WHEREAS, they have asked the Town Board if Highway employee Terry Peters can perform the necessary maintenance work on the Dam, and in turn, the Schroon Lake Park District would reimburse the Town of Horicon for Terry's time, NOW, THEREFORE BE IT

RESOLVED, that the Horicon Town Board does hereby authorize Terry Peters to perform the necessary maintenance work on the Starbuckville Dam once his daily duties for the Highway Department are complete. In turn, the Schroon Lake Park District will reimburse the Town of Horicon "in kind" for Terry Peters' time. It is noted that this work is not to interfere with Terry's duties at the Highway Department.

Position of Highway Superintendent: Supervisor Bentley noted that Councilman Higgins had requested the position of Highway Superintendent be Appointed instead of Elected.

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Councilman Higgins spoke on this request stating that after much thought he did not feel it was a good idea to take the power away from the voters as to who the Highway Superintendent should be, and hereby withdraws his request to make this an Appointed position. Councilman Dooris and Councilman Olson agreed with the fact that it should be up to the voters. No action was taken.

Watering Tub: In regards to the testing of the Watering Tub, Councilman Higgins said it had been brought to his attention that a test kit could be obtained that would allow for a more extensive testing of the water. The Board agreed it would be a good idea to test again and Councilman Higgins is to obtain the cost of the kit and report back to the Board at the next monthly meeting.

J&G Recycling proposal: The proposal from J&G Recycling was referred to the Landfill Committee for review and they are to report back at the next monthly meeting.

Privilege of the Floor:

-Harvey Leidy applauded the Board for leaving the Highway Superintendent position as an elected position.

-Jane Smith asked the Board if there was anywhere around that has a dump day and the Board responded that there was not. Supervisor Bentley noted that it is likely to come up at the County meetings.

-Paul Frasco said he was glad to see the NW Emergency Squad issue had been resolved. He asked see the document that was shown to the Board Members which indicated the Squad was to clear after the recent investigation. Councilman Dooris replied that the Board did not receive a hard copy but the Board Members had reviewed the document. Paul Frasco was not at all happy with this response and wants the document made available to the taxpayers. The Board will request a copy of the document.

-Harry Balz, speaking on behalf of Joe Koch, asked if the proper documents had been forwarded to the Department of Health as requested. He was also wondering if the sign had been put up. Supervisor Bentley stated that he thought they had but would double check. Harry Balz then asked what the documents were from the North Country Gazette that were listed under Correspondence on the Agenda. Supervisor Bentley said they included a FOIL request for the draft version of the Town Board Meeting minutes of February 23rd, a FOIL request regarding HS Paul Smith, a Notice of Claim, a letter withdrawing the Notice of Claim, and a letter concerning Legal Advertising. Harry Balz asked for further details. Supervisor Bentley stated that the North Country Gazette believes advertising in the Adirondack Journal by the Town of Horicon is illegal. When Harry Balz asked what this means, Attorney Schachner responded that there is a possibility that the Adirondack Journal may not fall within the classification of legal newspaper and if that is the case the Town Board cannot use them as the official newspaper of the Town. Councilman Dooris asked Attorney Schachner if the Town is required to have an official newspaper and Attorney Schachner replied that they are not. Councilman Dooris stated that if the Adirondack Journal does not meet the proper criteria then the Board should consider removing the Adirondack Journal as the official newspaper.

RESOLUTION #62-2011

Messrs. Dooris and Hill introduced Res. No. 62 and moved its adoption, all Ayes:

RESOLUTION TO REMOVE ADIRONDACK JOURNAL AS OFFICIAL NEWSPAPER

RESOLVED, that based on recent questions regarding the legality of using the Adirondack Journal as their official newspaper, the Town Board of the Town of Horicon does hereby remove the Adirondack Journal as the official newspaper of the Town of Horicon until this issue is resolved.

RESOLUTION #63-2011

Messrs. Dooris and Higgins introduced Res. No. 63 and moved its adoption:

RESOLUTION TO USE THE POST-STAR FOR LEGAL ADVERTISING

RESOLVED, that the Horicon Town Board does hereby declare that all legal advertising will be placed in The Post-Star for the next month.

Harry Balz then asked what the Notice of Claim was about. Attorney Schachner gave an overview of what the Notice of Claim entailed. Harry Balz asked what the letter from the Committee on Open Government was about. Attorney Schachner explained that the North Country Gazette had requested an advisory opinion from the Committee on Open Government and they sent a letter advising the Town that an advisory opinion is being sought.

Adjourn... There being no further business to attend to the meeting was adjourned at 8:15 PM by MOTION of Messrs. Dooris and Hill, all in favor.

Respectfully Submitted:

Town Clerk